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NP-22 (acne)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

In re the Application of

MAY 20 2002

NICHOLAS V. PERRICONE

Group Art Unit 1614 OFFICE OF PETITIONS

Serial No.: 10/085,864

Filed: 27 February 2002

For: TREATMENT OF ACNE USING ALKANOLAMINE COMPOSITIONS

**REPLY TO A NOTICE OF OMITTED ITEM(S) AND PETITION**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In a Notice of Omitted Item(s) dated 03/21/2002, Applicant was informed that page 10 of the specification (attached hereto) was missing from the application filed 02/27/2002; see the Notice copy attached hereto. Applicant contends that this page was a part of the specification sent to the Patent Office with the rest of the application, as evidenced by the denotation of an entire 28-page specification in the transmittal (a copy of which is also attached), which was received by the Patent Office as stamped on the return postcard (a copy of which is also attached). The undersigned authorizes the Commissioner to charge deposit account 50-0212 for the \$130.00 petition fee under 37 C.F.R. 1.17(h) to process this petition, and requests that this amount be credited back to the same account when it is determined that the page was received by the PTO. Please direct any questions or comments about this matter to the undersigned.

Respectfully submitted on 26 March 2002 by

04/10/2002 AOSMAN1 00000024 500212 10085864

01 FC:122 130.00 CH

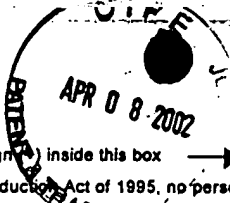
Adjustment date: 07/18/2002 AKELLEY-  
04/10/2002 AOSMAN1 00000024 500212 10085864  
01 FC:122 130.00 CR

*Mary M. Krinsky*  
MARY M. KRINSKY, Reg. No. 32423  
79 Trumbull Street  
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I hereby certify that this document and its attachments are being sent as first class mail under 37 C.F.R. § 1.8, postage paid, to the Assistant Commissioner of Patents, Washington, D.C. 20231, on the date shown below.  
March 26, 2002

*Mary M. Krinsky*  
Mary M. Krinsky

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PTO/SB/05 (08-00)

Please type a plus sign (+) inside this box



Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. NP-22 (acne)

First Inventor N.V. Perricone

Title Treatment of Acne Using Alkanolamine Comps.

Express Mail Label No. EL 793308008 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27
3. ☐ [Redacted]  
(See MPEP chapter 600 for details)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [ Total Sheets ☐ ]
5. Oath or Declaration [ Total Pages ☐ ]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

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## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Other: .....

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of prior application No.: 09 / 900,680

Prior application information:

Examiner F. Krass

Group / Art Unit: 1614

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label



or ☐ Correspondence address below

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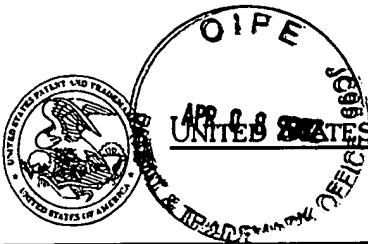
32423

Signature

*Mary M. Krinsky*

Date 27 Feb. 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/085,864	02/27/2002	Nicholas V. Perricone	NP-22 (acne)

CONFIRMATION NO. 3775

FORMALITIES LETTER



\*OC000000007693747\*

26850  
MARY M. KRINSKY, Ph. D., J.D.  
PATENT ATTORNEY  
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NEW HAVEN, CT 06511

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Date Mailed: 03/21/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 10 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

*HA*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE